

Filing Amended Complaints in Non-Bellwether Cases in the National Prescription Opiate MDL

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THIS EMAIL IS BEING SENT TO ALL PLAINTIFFS' COUNSEL NOTED IN MDL 2804

It has come to our attention that counsel for non-bellwether plaintiffs are filing amended complaints on the MDL master docket. This is NOT the correct procedure as established by this MDL. Rather, the proper place to file these amended complaints is on the case-specific docket only.

Also, we have received a number of requests from non-Case Track 1 (i.e. non bellwether) plaintiffs that they need ARCOS data to file amended complaints by May 24th. The Court will allow amended complaints to be filed with leave of court after that date and Judge Polster has specifically stated that receipt of ARCOS data is good cause for granting leave. Judge Polster specifically requested at the hearing on May 10th that non-trial track plaintiffs "hold off" filing any amended complaints at this point. We have informed the Court of our concerns regarding relation back under Civil Rule 15 (c), and we anticipate filing a motion in that regard soon.

Thank you for your attention to this matter.

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